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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.M.A.No.958 of 2016

1.S.Lakshmi

2.T.Senthil Ravi

... Appellants/Petitioners

Vs

1.V.Murugan

2.Royal Sundaram Alliance Insurance Company Ltd.,
Subramaniyan Building, 2nd Floor,
No.1, Club House Road, Anna Salai,
Chennai - 2.

... Respondents/Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988, against the decree and the judgment dated 30.01.2015 made in M.C.O.P.No.3862 of 2013 On the file of the Motor Accident Claims Tribunal, (II Small Causes Court) Chennai.

For Appellant : Mr.K.Varadha Kamaraj

For Respondents : R1 - No such address
Mr.E.Rajadurai for R2
Mr.M.B.Raghavan

J U D G M E N T

This appeal has been filed by the claimants seeking for enhancement of compensation under the impugned Award dated 30.01.2015 passed by the Motor Accident Claims Tribunal, II Court of Small Causes, Chennai in M.C.O.P.No.3862 of 2013.

2.The Appellants/claimants are the legal representatives and dependants of the deceased S.Suganya who died on 03.04.2013 as a result of an accident caused by a vehicle owned by the first respondent and insured with the second respondent.

3.The deceased was a first year Engineering student at Dr.K.Vasudevan College of Engineering Technology and was 19 years old at the time of the accident.



4.The Tribunal under the impugned Award directed the second respondent to pay the Appellants/claimants a compensation of Rs.17,45,000/- for the death of Suganya as a result of the accident caused by the insured vehicle.

5.The details of the compensation awarded by the Tribunal to the Appellants/claimants are detailed hereunder:

Particulars	Amount (Rs.)
Pecuniary loss is calculated as Rs.7,500 x 12 x 18	16,20,000/-
Funeral expenses	25,000/-
Love and Affection	1,00,000/-
Total	Rs.17,45,000

6.Heard Mr.K.Varadha Kamaraj, learned counsel for the Appellants and Mr.E.Rajadurai, learned counsel for the second respondent.

7.The Tribunal under the impugned Award has fixed the notional monthly income of the deceased who was a first year Engineering student at Dr.K.Vasudevan College of Engineering Technology at Rs.10,000/-.

8.The year of the accident is 2013. This Court is of the considered view that the fixation of monthly income of the deceased at Rs.10,000/- is a correct assessment and does not call for any interference by this Court.

9.There are many Engineering graduates who are either unemployed or underemployed. There is no evidence adduced by the Appellants before the Tribunal with regard to the reputation of Dr.K.Vasudevan College of Engineering Technology where the deceased was studying at the time of the accident. Therefore, the Appellants claim seeking for fixation of higher monthly income for the deceased has to be necessarily rejected as the notional monthly income of Rs.10,000/- fixed by the Tribunal is a just one.

10.The Tribunal has awarded 50% towards loss of future prospects which is not in accordance with the settled position of law as according to Sarla Verma judgment of the Hon'ble Supreme Court, the loss of future prospects for the Appellants/claimants has to be fixed only at 40% since the deceased was only a student and was aged 19 years at the time of the accident.



11.The Tribunal has awarded a compensation of Rs.25,000/- towards funeral expenses, Rs.50,000/- towards loss of love and affection and has awarded Rs.16,20,000/- towards pecuniary loss by applying the correct multiplier of 18. There is no scope for interference with regard to those heads of compensation also. The overall compensation awarded by the Tribunal under the impugned Award is a just compensation.

12.It is also submitted by the respective learned counsels that the appeal filed by the Insurance Company questioning the quantum of compensation awarded by the Tribunal has already been dismissed by the Division Bench of this Court in C.M.A.No.1845 of 2015.

13.For the foregoing reasons, there is no merit in this Appeal. Accordingly, this Appeal shall stand dismissed. The second respondent is directed to deposit the entire award amount along with interest and costs as assessed by the Tribunal after deducting the amount already deposited if any to the credit of MCOP.No.3862 of 2013 within a period of four weeks from the date of receipt of a copy of this Judgment. On such deposit being made, the Tribunal shall transfer the amount lying to the credit of MCOP.No.3862 of 2013 to the bank of the Appellants/claimants through RTGS within a period of one week thereafter. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pam

To

1.The Motor Accident Claims Tribunal,
(II Small Causes Court) Chennai.

2.The Section Officer
V.R.Section, High Court of Madras.

+1cc to Mr.K.Varadha Kamaraj, Advocate Sr No.24569

C.M.A.No.958 of 2016

PVS (CO)
PR (04/10/2021)